

THE NATIONAL SUPERVISORY AUTHORITY FOR PERSONAL DATA PROCESSING

DECISION

on establishing the categories of personal data processing operations which are likely to present special risks to the rights and liberties of individuals

In accordance with the provisions of Article 3 paragraphs (5) and (6) of Law no. 102/2005 on the setting up, organization and functioning of the National Supervisory Authority for Personal Data Processing and those of Article 6 paragraph (2) letter b) of the Regulation on the organization and functioning of the National Supervisory Authority for Personal Data Processing, approved by Decision 16/2005 of the Standing Bureau of the Senate,

in the enforcement of the provisions of Article 23 paragraph (1) of Law no. 677/2001 on the protection of individuals with regard to the processing of personal data and the free movement of such data, modified and amended,

in view of the need to ensure an adequate protection for the data subjects' rights, particularly in the case of certain personal data processing operations which present special risks for the rights and liberties on individuals due to the nature of the processed data, the specific character of the categories of data subjects or the means used to process the data,

in view of memo no. 960 from the 22nd of February 2006 of Investigation Department within the National Supervisory Authority for Personal Data Processing, on the proposal for issuing a decision in order to establish the categories of personal data processing operations which are likely to present special risks to the rights and liberties of individuals,

the President of the National Supervisory Authority for Personal Data Processing issues the following

DECISION:

Article 1 - (1) The categories of personal data processing operations which are likely to present special risks to the rights and liberties of individuals are the following:

- a) adapting, modifying, disclosing to third parties by transmission or dissemination or in any other way, of personal data related to racial or ethnic origin, political, religious, philosophical or other beliefs of similar nature, trade-union membership, allegiance to a political party or a religious organization, of personal data regarding the individual's health or sex life, as well as personal data regarding criminal offences, safety measures, disciplinary or contravention measures,

- b) personal data processing operations of genetic data, biometrics and of data which allow the geographical localization of the data subjects via the electronic communications networks,
- c) personal data processing operations carried out through electronic means with the purpose of assessing such aspects as personality, as well as professional competence, credibility or any other similar aspects,
- d) personal data processing operations carried out through electronic means within filing systems with the purpose of analyzing credit references, of the economic and financial situation, of certain facts which may involve disciplinary, minor offence or criminal liability of natural persons,
- e) personal data processing operations mentioned at letters a) and b) with the purpose of scientific research,
- f) processing operations of minors' personal data within the activities of direct marketing,
- g) personal data processing operations mentioned at letters a) and b), as well as minors' personal data, collected via the internet or electronic mail.

(2) All personal data processing mentioned in paragraph (1) requires a preliminary control to be carried out, under the provisions of Article 23 of Law No. 677/2001, modified and amended.

Article 2 – Data controllers have the obligation to notify to the National Supervisory Authority for Personal Data Processing, all personal data processing operations from the categories mentioned in Article 1, within at least 30 days from the moment the processing begins.

Article 3 – This Decision enters into force within 30 days from its publication in the Official Journal of Romania, Part I.

PRESIDENT

Of The National Supervisory Authority for Personal Data Processing,

Georgeta BASARABESCU

Bucharest, 18th July 2006

No 89

Published in the Official Journal of Romania No. 654 OF THE 28th July 2006